

Notice of Allowability

Application No.

09/988,850

Examiner

Nelson Yang

Applicant(s)

GORDON ET AL.

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/5/05.
2. ☒ The allowed claim(s) is/are 7,10-20 and 22-28, renumbered 1-19 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/5/05</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10/26/04, 2/18/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>EIDS: 10/21/04, 10/21/04.</u> |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Drew Hamilton on December 5, 2005.
3. The application has been amended as follows:

Please replace claim 7 with the following:

--7. An optical-bio disc for performing a blood-typing assay, said disc configured to be rotated and said disc comprising:

- a substrate;

- a separation chamber in proximity to said substrate, said separation chamber including a first portion and a second portion, wherein the first portion contains a filter means and includes a first inlet port positioned at an opening of said disc such that a material delivered from a non-disc source is deposited directly on said filter means;

- a first mixing chamber in direct fluid communication with said second portion of said separation chamber so as to receive material communicated directly from the separation chamber;

- a second inlet port connected to the first mixing chamber and configured to communicate material received from a source other than the separation chamber to the first mixing chamber;

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a second mixing chamber in direct fluid communication with said second portion of said separation chamber so as to receive material communicated directly from the separation chamber;

a third inlet port connected to the first mixing chamber and configured to communicate material received from a source other than the separation chamber to the first mixing chamber;

a first detection chamber in direct fluid communication with said first mixing chamber, said first detection chamber including a first capture field; and

a second detection chamber in direct fluid communication with said first mixing chamber, said first detection chamber including a first capture field;

wherein the disc and chambers are configured such that fluid is transmitted from at least one of the chambers to another of the chambers that is in fluid communication therewith in response to rotation of the disc.

Please replace claim 20 with the following:

--20. An optical-bio disc for performing a blood-typing assay, said disc configured to be rotated and said disc comprising:

a substrate;

a separation chamber having components that are at least partially supported by the substrate, said separation chamber including a first portion and a second portion, wherein the first portion contains a filter and includes a first inlet port positioned at an opening of said disc such that a material delivered from a non-disc source is deposited directly on said filter;

a plurality of mixing chambers, each of which is separate from the other mixing chambers and each of which is in direct fluid communication with said second portion of said separation chamber so as to receive material communicated directly from the separation chamber, and each of which includes a inlet port configured to communicate material into the mixing chamber from a source other than the separation chamber;

a plurality of detection chambers each of which is separate from the other detection chambers and each of which is in direct fluid communication with one of the mixing chamber;

wherein the disc and chambers are configured such that fluid is transmitted from at least one of the chambers to another of the chambers that is in fluid communication therewith in response to rotation of the disc.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: the prior art does not teach an optical biodisc comprising a separation chamber having a first portion and a second portion, wherein the first portion contains a filter means and includes a first inlet port positioned at an opening of said disc such that a material delivered from a non-disc source is deposited directly on said filter means.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

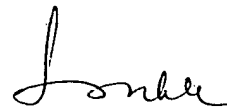
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson Yang whose telephone number is (571) 272-0826. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson Yang
Patent Examiner
Art Unit 1641



LONG V. LE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

12/12/05